

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CALEB L. MCGILLVARY, )  
Petitioner, )  
v. ) 1:22-cv-04185-MRH  
THE ATTORNEY GENERAL OF THE )  
STATE OF NEW JERSEY and BRUCE )  
DAVIS,  
Respondents.

**ORDER REOPENING CASE, ADDRESSING CERTAIN MOTIONS, MAKING  
REFERRALS, DIRECTING THE METHOD FOR THE FILING OF PAPERS, AND FOR  
OTHER PURPOSES, INCLUDING UPDATING STATUS OF THE ACTION**

This civil action, originally stemming from a Petition for Writ of Habeas Corpus filed by the Petitioner, Caleb McGillvary (ECF No. 1), has been specially assigned to the undersigned District Judge, ordinarily assigned to the United States District Court for the Western District of Pennsylvania, by intra-Circuit assignment of the Chief Circuit Judge for further proceedings. (ECF No. 40).

By this Order, this civil action is REOPENED on the docket of the Court for the conduct of further proceedings, the undersigned concluding that such is appropriate for the sound administration justice and of the action. The Motion to Reopen Case filed by the Petitioner at ECF No. 43 is therefore DISMISSED WITHOUT PREJUDICE AS MOOT.

The action has also by Order been referred to Chief United States Magistrate Judge Richard A. Lanzillo of the Western District of Pennsylvania for the conduct of appropriate proceedings in furtherance of that referral (ECF No. 41), including the making of such Reports and Recommendations in due course as are appropriate and proper, and this action is therefore before

the undersigned for further disposition in due course thereafter. The Motion for Summary Judgment filed by Petitioner at ECF No. 44 is therefore REFERRED to Judge Lanzillo for appropriate further action. All further Motions filed in this action are also so referred to Judge Lanzillo in the first instance, unless ordered otherwise.

The Court further notes that paper copies of the filings of the Petitioner at ECF Nos. 43 and 44 were transmitted by the Petitioner to the undersigned via U.S. Mail directed to his Chambers in Pittsburgh. Such papers have been placed on the docket in this action. The Petitioner and all parties are advised that any and all filings in this action shall be made on the docket of this action in the United States District Court for the District of New Jersey in the ordinary course via CM/ECF filing or as otherwise permitted by the applicable rules, and shall not be filed or transmitted to either the undersigned nor Judge Lanzillo, nor to the United States District Court for the Western District of Pennsylvania, unless otherwise ordered or directed by the undersigned or Judge Lanzillo.

The Clerk shall transmit a copy of this Order to the United States Court of Appeals for the Third Circuit for reference on that Court's docket at its docket number 24-1129.

It is SO ORDERED.

s/ Mark. R. Hornak  
Mark R. Hornak  
Chief United States District Judge

Dated: August 21, 2024